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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,308	09/16/2003	Chad W. Lehner	GP-302829	1347

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EXAMINER

LA, ANH V

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/663,308

**Applicant(s)**

CHAD W. LEHNER

**Examiner**

Anh V. La

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 9, 10, 16, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Blomquist.

Regarding claims 1 and 10, Blomquist discloses a method/system for detecting a missing or improperly installed fuel cap on a vehicle comprising a leak test module 108, 110, that conducts a plurality of leak tests to detect a leak in an evaporative emissions system of a vehicle, a refueling detection module 102 that detects a refueling of the vehicle when the leak test module detects the leak, and a fuel cap detection module that activates a fuel cap indicator in the vehicle when the leak test module detects the leak and the refueling detection module detects the refueling (abstract, column 2, lines 14-25).

Regarding claims 6 and 16, Blomquist clearly discloses deactivating the fuel cap indicator when an occupant of the vehicle indicating that a fuel cap of the vehicle is properly installed.

Regarding claims 9 and 18, Blomquist clearly discloses a visible indicator (col. 2, lines 20-21, col. 8, lines 15-20).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 7, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blomquist in view of Post.

Regarding claims 2 and 11, Blomquist discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the step of deactivating the fuel cap indicator after a predetermined time period. Post teaches the use of deactivating an alarm signal indicator after a predetermined time period (column 5, lines 30-35). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the step of deactivating the fuel cap indicator after a predetermined time period to the method/system of Blomquist as taught by Post for the purpose of effectively indicating an alarm signal.

Regarding claims 3 and 12, Blomquist discloses the predetermined time period being sufficient to allow an occupant of the vehicle to determine a condition of a fuel cap of the vehicle (col. 5, lines 15-25).

Regarding claims 4 and 13, Blomquist discloses the fuel cap detection module activating the fuel cap indicator and the leak test module activating an engine malfunction indicator 148 in the vehicle when two of leak tests 144 consecutively detect the leak, and deactivating the cap indicator 150.

Regarding claims 5 and 14, Blomquist discloses the cap indicator remaining deactivated when a predetermined number of leak test consecutively detect the leak (see figures 3A 3B).

Regarding claims 7 and 15, Blomquist clearly discloses the fuel cap indicator remaining deactivated when an occupant of the vehicle indicating that a fuel cap of the vehicle is properly installed.

5. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blomquist in view of Thompson.

Regarding claims 8 and 17, Blomquist discloses all the claimed subject matter as set forth above in the rejection of claim 6, but does not disclose activating an actuator on an instrument panel of the vehicle. Thompson teaches the use of activating an actuator on an instrument panel of a vehicle (column 3, lines 30-40). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the step of activating an actuator on an instrument panel of the vehicle to the method/system Blomquist as taught by Thompson for the purpose of effectively indicating an alarm signal.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shaw teaches a system for monitoring motor vehicle fuel tank cap.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970.

The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANH V. LA**  
**PRIMARY EXAMINER**

Anh V La  
Primary Examiner  
Art Unit 2636

AI  
May 31, 2005